M&RA Privacy Act Refresher Training

Mandatory training for all M&RA Users who have access to Privacy Act Data

Situational Background

This training is designed to educate/reinforce all M&RA users on the Privacy Act Rules and Regulations.

MARCH 17, 2005 – (Bank Of America) Loss of back up tapes from Bank of America containing 10,000 military records.

MARCH 13, 2006 - (Computer World) Laptop was stolen that contained thousands of names and SSN's.

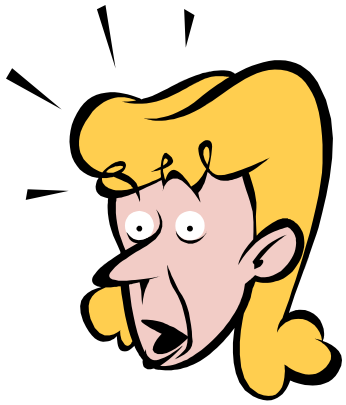
What is the Privacy Act?

The Privacy Act is an Act to limit an Agency's collection and sharing of personal data. The Privacy Act requires that all Executive Branch Agencies follow certain procedures when:

- **Collecting personal information**
- **Creating databases containing personal identifiers**
- **Maintaining databases containing personal identifi**
- **Disseminating information containing personal data**

What are some examples of Privacy Act Data?

- **Social Security Number**
- **Financial, credit, and medical data**
- **Security clearance level**
- **Leave balances; types of leave used**
- **Home address and telephone numbers (including home web addresses)**
- **Mother's maiden name; other names used**
- **Drug test results and the fact of participation in rehabilitation programs**
- **Family data**
- **Religion, race, national origin**
- **Performance ratings**
- **Names of employees who hold government-issued travel cards, including card data**



Why was the Privacy Act passed?

Roots of the Privacy Act of 1974 can be traced as far back as 1965 when hearings were held by the House of Representatives Special Subcommittee on Invasion of Privacy. The Privacy Act was created in response to concerns about how the creation and use of computerized databases might impact individuals' privacy rights. It safeguards privacy through creating four procedural and substantive rights in one's own personal data.

1.
It requires government agencies to show an individual records that are kept on that individual.

2.
It requires agencies to follow certain principles, called "fair information practices," when gathering and handling personal data.

3.
It places restrictions on how agencies can share an individual's data with other people and agencies

4.
It lets individuals sue the government for violating the provisions of the Act.

Why was the Privacy Act enacted?

- **The Privacy Act was passed to address past abuses such as:**
  - **Federal strong-arm tactics for data collection**
  - **In the early 1970's, in events leading up to Watergate, Senator Eagleton (who had voiced mistrust/disapproval of the Nixon administration) had his medical history publicized.**
  - **Growing impact of computer technologies and the potential for abuse.**

With the abuses that took place during Watergate, and the growing use of computers to store information, Congress envisioned the damage that could occur to personal privacy in a computer-based society. This realization led to the creation of the Privacy Act.

What are the limitations of the Privacy Act?

The Privacy Act applies only to:

US citizens

or

Lawfully admitted aliens

Whose records are filed in a "System of Records" where those records are retrieved by a personal identifier.

What is a System of Records?

A System of Records is a group of records that:

- **Contains a personal identifier (such as a name, Social Security Number, Employee Number, etc.)**
- **Contains one other item of personal data (such as home address, performance rating, blood type, etc.)**
- **Is retrieved by a personal identifier.**

What M&RA System of Record Users must fill out the System Authorization Access Request (DD2875)?

All Users accessing any M&RA System of Record containing Privacy Act Information (i.e. ODSE, TFDW, etc…)

What is M&RA's responsibilities under the Privacy Act?

M&RA must:

- **Collect only data that is authorized by law**
- **If used for analysis, the use of unique identifiers or dummy data will be substituted whenever practical.**
- **Share data with authorized recipients only**
- **Establish and apply data safeguards**
- **Prevent the storage of Privacy Act Data on a mobile or removable**

What is M&RA's responsibilities under the Privacy Act? (Cont'd)

M&RA must:

- **Do not commingle information about different individuals in the same file.**
- **Mark privacy records appropriately.**
  "For Official Use Only – Privacy Act Data"
- **Do not use interoffice or translucent envelopes to mail Privacy Act protected data. Instead, use sealable opaque solid white or Kraft envelopes. Be sure to mark the envelope to the appropriate person's attention.**

I am a contractor. Does the Privacy Act apply to me?

Yes. Government contractors are subject to the Privacy Act and must comply with all of its provisions.

What are the penalties for violating the Privacy Act?

For knowingly and willfully requesting or obtaining records under false pretenses:

Misdemeanor criminal charge, and a fine of up to $5000.00

For knowingly and willfully disclosing privacy data to any person not entitled to access:

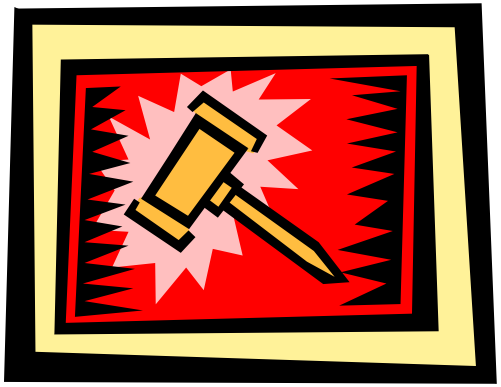
Misdemeanor criminal charge, and a fine of up to $5000.00

For maintaining a System of Records without meeting the public notice requirements:

Misdemeanor criminal charge, and a fine of up to $5000.00

What are the penalties for violating the Privacy Act? (cont'd)

Courts may award civil penalties for the following:



- **Unlawfully refusing to amend a record**
- **Unlawfully refusing to grant access to a record**
- **Failure to maintain accurate, relevant, timely, and complete data.**
- **Failure to comply with any Privacy Act provision OR agency rule that results in an adverse effect on the subject of the record.**

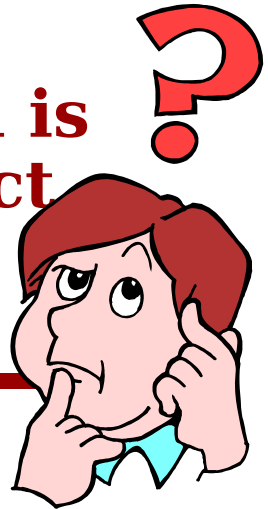
Penalties for these violations include:
Actual Damages
Payment of reasonable attorney's fees
Removal from employment

How will I know if the data that I handle is Privacy Act protected data?

Privacy Act protected data should be marked:

- **"For Official Use Only – Privacy Act of 1974"; or**
- **"For Official Use Only – Privacy Act Data"**

Be aware that Privacy Act protected data may not always be marked as such. If you have questions about whether data is protected under the Privacy Act, contact MI Division or ask your supervisor.



Besides Privacy Act data, should I be concerned with other types of For Official Use Only (FOUO) data?

Yes! **As an employee, you will come in contact with multiple types of records. Some may be marked as "FOUO." For data marked as FOUO, you must:**

Properly safeguard it.

- **Use it only for official government business.**
- **Share it only with those with an official need for access.**
- **If you create records containing FOUO data, mark them at the time of creation.**

all records are marked with the FOUO legend. If the recor
t marked as FOUO, you may still be required to safeguard
Do not disclose any agency
cord to a third party except for official, authorized purpose